THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.20894 of 2007

Between:

Gurumurthy

.. PETITIONER

and

The Tahsildar.

.. RESPONDENT

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ORDER:

It is the case of the petitioner that he was assigned agricultural land admeasuring Ac.2-12 cents in Sy.No.213-27 situated at Kakkalapalli village, Anantapur Mandal and District, vide proceedings No.D.Dis.250/85, dated 23-11-1976 and the petitioner developed the said land making it fit for cultivation and cultivating the same by paying cist to the Government. The Revenue Authorities also issued pattadar pass book and title deeds in the year 1979 making necessary entries in the revenue records. While so, the Mandal Surveyor came to the land in question in the first week of September, 2007 for measuring the land in question without giving any notice and opportunity to the petitioner. Therefore, the petitioner made a representation, dated 12-09-2007, before the respondent requesting to give prior notice of hearing and opportunity and instruct the Mandal Surveyor not to enter into the land in question and also protection his possession. Thereafter, the petitioner also made another representation before the respondent. Pending disposal of the representations, the respondent is taking steps to dispossess the petitioner from the land in question.

I am of the opinion that as long as the petitioner has not violated any terms and conditions of the assignment or the provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977, he is entitled for possession and enjoyment of the land in question. If there is any violation of terms and conditions of the assignment or the provisions of the Act, it is always open for the respondent to dispossess the petitioner from the land in question by following due process of law.

Accordingly, the writ petition is disposed of directing the respondent not to dispossess the petitioner from the land in question without following

due process of law. There shall be no order as to costs.

04-10-2007

Prv